

Calderon, Wanda

From: Karlen, Delmar
Sent: Wednesday, July 24, 2013 9:03 AM
To: Calderon, Wanda
Subject: FW: FOIL Request - Manhattan House, 200 East 66th St, New York, NY 10065
Attachments: Scanned from a Xerox Multifunction Device.pdf

Here is another copy of what I sent you last Thursday.

From: Karlen, Delmar
Sent: Thursday, July 18, 2013 8:56 AM
To: Calderon, Wanda
Cc: Hollinger, Jacob; Sawyer, William; Feinmark, Phyllis
Subject: FW: FOIL Request - Manhattan House, 200 East 66th St, New York, NY 10065

Hi Wanda,

Attached is a FOIA which came in last evening. Earlier in the day Jim Feeley had been a subpoena for the same material. I called the lawyer who issued the subpoena and told him that, pursuant to our regulations, we would not testify or produce documents in response to the subpoena but that he could seek documents through FOIA. Hence this request.

I have checked CERCLIS and did not find any listing for 200 East 66th street. I expect that either DECA or CASD would be the divisions which might have responsive documents. As you can see from the letter, the requestor alleges that complaints about that building were made to EPA.

I will be happy to help with authenticating any responsive documents so they can be used in court.

Del

From: Colin Kaufman [<mailto:cekaufman@alblawfirm.com>]
Sent: Wednesday, July 17, 2013 5:45 PM
To: Karlen, Delmar
Cc: James Marino
Subject: FOIL Request - Manhattan House, 200 East 66th St, New York, NY 10065

Dear Mr. Karlen,

Thank you for your guidance and assistance. Please find my FOIL request letter attached.

s/Colin E. Kaufman

Colin E. Kaufman
Adam Leitman Bailey, PC
120 Broadway, 17th Floor
New York, NY 10271
tel: 212-825-0365 x 1954
Litigation Unit fax: 866-825-0721
General Office fax: 212-825-0999
email: cekaufman@alblawfirm.com

Calderon, Wanda

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website bio: <http://www.alblawfirm.com/index.cfm?pageid=9&itemid=4>
LinkedIn Profile: <http://www.linkedin.com/in/cekaufman>

Martindale-Hubbell AV Peer Review Rated[®] - Preeminent[™]; Avvo[™] Rated Superb; Super Lawyers[®] Designation

ADAM LEITMAN BAILEY, P.C.

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⁶ New York Admission Pending

July 17, 2013

VIA EMAIL Karlen.Delmar@EPA.gov
United State Environmental Protection Agency
Region 2 Regional Office
ATTN: Delmar Karlen, Esq.
Regional Counsel
290 Broadway
New York, NY 10007-1866

Re: FOIL Request
200 East 66th Street, New York, New York 10065

Pursuant to 5 USC 552 as amended and 40 CFR 2.1 et seq, and pursuant to our telephone conversation of today's date, I hereby respectfully request records of **complaints, inspections, investigations and violations**, dealing with premises located at 200 East 66th Street, New York, New York 10065 a/k/a The Manhattan House, for the period from October 2005 through December 2007.

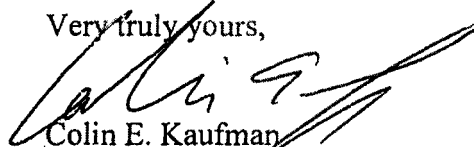
As we discussed, I am advised that complaints were made to governmental agencies, including EPA about conditions at the Manhattan House during the period in question, particularly relating to asbestos.

Since the records will be used in a New York State Court, I request that they be certified.

My office guarantees payment at the statutory rate up to \$300.00. If you believe the charge will exceed that amount, please be good enough to call me.

Thank you for your assistance.

Very truly yours,



Colin E. Kaufman



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 18 2013

Colin Kaufman, Esq.
Adam Leitman Bailey, P.C.
120 Broadway, 17th Floor
New York, New York 10065

Re: MH Residential, 1, LLC et al v. , Barrett, et al. Index No. L&T 75408/06, Housing Part N, Civil Court of the City of New York.

Dear Mr. Kaufman:

Environmental Protection Agency ("EPA") regulations prohibit testimony or the production of documents by EPA employees in civil legal proceedings where the United States is not a party unless the General Counsel or his designee has determined that testimony or production to be in the interests of the agency. 40 C.F.R. sec. 2.401 et seq. Accordingly, as we discussed during our telephone conversation of July 17, 2013, EPA will not testify or produce documents in response to the *subpoena duces tecum* served on it on July 17, 2013, and I return herewith Check No. 1749 drawn on the Petty Cash Account of DLS, Inc. in the amount of \$18.00.

I have received your Freedom of Information Act Request ("FOIA") dated July 17 and have forwarded it to our FOIA officer.

Sincerely,

A handwritten signature in black ink, appearing to read "Delmar Karlen, Jr.", written over a horizontal line.

Delmar Karlen, Jr.
Chief-New Jersey Superfund Branch
Office of Regional Counsel

Enclosure